

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

James Arthur Woods, Sr.,

Plaintiff,

vs.

North Dakota University System and

William Goetz,

Defendants.

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**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Case No. 1:08-cv-090

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On October 23, 2008, the plaintiff, James Woods, filed a motion for leave to proceed in forma pauperis. See Docket No. 1. On December 15, 2008, Magistrate Judge Charles S. Miller, Jr. granted the motion. See Docket No. 2. Woods subsequently filed a complaint against the defendants. See Docket No. 3. Pursuant to 28 U.S.C. § 1915, Judge Miller conducted a review of the record and relevant case law and submitted a Report and Recommendation on December 15, 2008. See Docket No. 4. Judge Miller recommended that the plaintiff's complaint be dismissed without prejudice (including without prejudice to the filing of a paid complaint) for lack of subject matter jurisdiction unless, within thirty (30) days from the date of this order, Woods files an amended complaint curing the jurisdictional deficiencies. Woods was given thirty (30) days to file an objection to the Report and Recommendation. Woods did not file an objection.

The Court has carefully reviewed the Report and Recommendation, relevant case law, and the entire record and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 4) in its entirety. Woods has thirty (30) days from the date of this order to file an amended complaint that seeks to cure the

jurisdictional deficiencies found in the original complaint. If, after the thirty-day period, Woods has not filed an amended complaint, his original complaint will be dismissed without prejudice.

**IT IS SO ORDERED.**

Dated this 28th day of January, 2009.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge  
United States District Court